

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of New)	NOTICE OF PUBLIC HEARING ON
Rules I through XI pertaining to)	PROPOSED ADOPTION
English language proficiency (ELP))	
standards and performance)	
descriptors)	

TO: All Concerned Persons

1. On August 24, 2011 at 10:00 a.m. the Board of Public Education will hold a public hearing in the Office of Public Instruction conference room at 1300 11th Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than 5:00 p.m. on August 19, 2011, to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail SMeloy@mt.gov.

3. The rules as proposed to be adopted provide as follows:

NEW RULE I ENGLISH LANGUAGE PROFICIENCY CONTENT

STANDARD 1 (1) To satisfy the requirements of English language proficiency content standard 1, English language learners must communicate for social and instructional purposes within the school setting.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

NEW RULE II ENGLISH LANGUAGE PROFICIENCY CONTENT

STANDARD 2 (1) To satisfy the requirements of English language proficiency content standard 2, English language learners must communicate information, ideas, and concepts necessary for academic success in the content area of language arts.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

NEW RULE III ENGLISH LANGUAGE PROFICIENCY CONTENT

STANDARD 3 (1) To satisfy the requirements of English language proficiency content standard 3, English language learners must communicate information,

ideas, and concepts necessary for academic success in the content area of mathematics.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

NEW RULE IV ENGLISH LANGUAGE PROFICIENCY CONTENT

STANDARD 4 (1) To satisfy the requirements of English language proficiency content standard 4, English language learners must communicate information, ideas, and concepts necessary for academic success in the content area of science.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

NEW RULE V ENGLISH LANGUAGE PROFICIENCY CONTENT

STANDARD 5 (1) To satisfy the requirements of English language proficiency content standard 5, English language learners must communicate information, ideas, and concepts necessary for academic success in the content area of social studies.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

NEW RULE VI ENGLISH LANGUAGE PROFICIENCY PERFORMANCE

DESCRIPTORS AT THE ENTERING LEVEL (1) At the entering level of English language proficiency, English language learners will process, understand, produce, or use:

- (a) pictorial or graphic representation of the language of the content areas;
- (b) words, phrases, or chunks of language when presented with one-step commands; directions; WH-, choice, or yes/no questions; or statements with sensory, graphic, or interactive support; and
- (c) oral language with phonological, syntactic, or semantic errors that often impede meaning when presented with basic oral commands, direct questions, or simple statements with sensory, graphic, or interactive support.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

NEW RULE VII ENGLISH LANGUAGE PROFICIENCY PERFORMANCE

DESCRIPTORS AT THE EMERGING LEVEL (1) At the emerging level of English language proficiency, English language learners will process, understand, produce, or use:

- (a) general language related to the content areas;
- (b) phrases or short sentences; and
- (c) oral or written language with phonological, syntactic, or semantic errors that often impede the meaning of the communication when presented with one to

multiple-step commands, directions, questions, or a series of statements with sensory, graphic, or interactive support.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

NEW RULE VIII ENGLISH LANGUAGE PROFICIENCY PERFORMANCE
DESCRIPTORS AT THE DEVELOPING LEVEL (1) At the developing level of English language proficiency, English language learners will process, understand, produce, or use:

- (a) general and some specific language of the content areas;
- (b) expanded sentences in oral interaction or written paragraphs; and
- (c) oral or written language with phonological, syntactic, or semantic errors that may impede the communication, but retain much of its meaning, when presented with oral or written, narrative or expository descriptions with sensory, graphic, or interactive support.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

NEW RULE IX ENGLISH LANGUAGE PROFICIENCY PERFORMANCE
DESCRIPTORS AT THE EXPANDING LEVEL (1) At the expanding level of English language proficiency, English language learners will process, understand, produce or use:

- (a) specific and some technical language of the content areas;
- (b) a variety of sentence lengths of varying linguistic complexity in oral discourse or multiple, related sentences or paragraphs; and
- (c) oral or written language with minimal phonological, syntactic, or semantic errors that do not impede the overall meaning of the communication when presented with oral or written connected discourse with sensory, graphic, or interactive support.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

NEW RULE X ENGLISH LANGUAGE PROFICIENCY PERFORMANCE
DESCRIPTORS AT THE BRIDGING LEVEL (1) At the bridging level of English language proficiency, English language learners will process, understand, produce, or use:

- (a) specialized or technical language of the content areas;
- (b) a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse, including stories, essays, or reports; and
- (c) oral or written language approaching comparability to that of proficient English peers when presented with grade level material.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

NEW RULE XI ENGLISH LANGUAGE PROFICIENCY PERFORMANCE
DESCRIPTORS AT THE REACHING LEVEL

(1) At the reaching level of English language proficiency, English language learners will process, understand, produce, or use:

- (a) specialized or technical language reflective of the content areas at grade level;
- (b) a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse as required by the specified grade level; and
- (c) oral or written communication in English comparable to proficient English peers.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

4. REASON: The Board of Public Education has determined that it is reasonable and necessary to adopt rules to provide content standards and performance descriptors for English language proficiency. The English language proficiency standards that are being recommended for adoption are specific to English language proficiency with links to academic content standards and address the need for students to become fully proficient in both social and academic English. They meet the federal requirement under Title III, section 3113(b)(2) for specific English language proficiency standards. In addition, their links to academic language have been aligned to the national Common Core State Standards.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Steve Meloy, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail SMeloy@mt.gov. and must be received no later than 5:00 p.m., August 25, 2011.

6. Steve Meloy, Executive Secretary for the Board of Public Education has been designated to preside over and conduct this hearing.

7. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the board.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all

concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Steve Meloy
Steve Meloy
Rule Reviewer

/s/ Patty Myers
Patty Myers, Chair
Board of Public Education

Certified to the Secretary of State July 18, 2011.